

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

IRA B. HARRIS,)	
)	
Plaintiff,)	
)	
-vs-)	No. 1:15-cv-00140 SNLJ
)	
GARY KEMPKER, et al.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

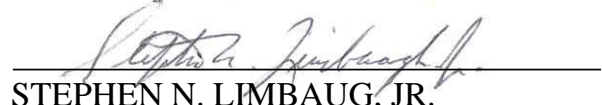
Currently pending before the Court is plaintiff's March 11, 2020 motion to exclude testimony pursuant to Federal Rule of Civil Procedure 37 [#206]. At the time plaintiff filed the motion, this matter was set for trial on April 9. Plaintiff seeks to exclude the testimony of James Coffman because Mr. Coffman was identified by defendant David Null in a March 6 supplemental disclosure as a witness who may support his defense. Plaintiff argues that he is prejudiced by this late disclosure because there is no time to conduct discovery.

Two weeks after the instant motion was filed, this Court postponed the April 9 trial and reset it for November 5, 2020 due the COVID-19 pandemic. This leaves plenty of time for plaintiff to take the deposition of the witness before trial, and defendant is ordered to make the witness available for that purpose. Although defendant did not respond to the motion, the Court will deny the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to exclude [#206] is DENIED.

Dated this 24th day of June, 2020.


STEPHEN N. LIMBAUG, JR.
UNITED STATES DISTRICT JUDGE